



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 08-12

May 8, 2009

Petition of Verizon New England Inc. for Amendment of the Cable Division's Form 500 "Cable Operator's Annual Report of Consumer Complaints"

HEARING OFFICER'S RULING ON MOTION OF VERIZON MA TO EXTEND TIME TO FILE REPLY COMMENTS

I. INTRODUCTION

On August 22, 2008, Verizon New England Inc. d/b/a Verizon Massachusetts ("Verizon") filed with the Department of Telecommunications and Cable ("Department"), a petition ("Verizon's Petition") citing G. L. c. 30A, § 4 and 207 C.M.R. §§ 2.01, 2.03, requesting that the Department amend its Form 500 "Cable Operator's Annual Report of Consumer Complaints" ("Form 500"). Specifically, Verizon requests that Form 500 be amended to eliminate any requirement for the annual reporting of subscribership numbers for each municipality or, in the alternative, refrain from requiring disclosure of the subscribership data on Form 500.¹ Pursuant to the Department's *Request for Comment and Notice of Public Hearing* ("Public Notice") issued on March 27, 2009, interested parties were directed to file initial comments to Verizon's Petition by May 1, 2009, and reply comments by May 12, 2009. *Public*

¹ On January 30, 2009, and March 13, 2009, Verizon filed motions for confidential treatment of Verizon FiOS TV subscriber numbers on Form 500 and the amount of state CATV license fees paid by Verizon pending resolution of the instant proceeding. The Department has not ruled on these motions.

Notice, D.T.C. 08-12 at 3. The *Public Notice* further scheduled a public hearing and procedural conference for May 15, 2009. *Id.*²

On May 7, 2009, Verizon filed a motion requesting that the Department extend the date for Verizon to file its reply comments in this proceeding by ten days, to May 22, 2009, and move the date of the public hearing and procedural conference to May 26, 2009 (“Verizon’s Motion”). Alternatively, Verizon requests if the public hearing proceeds on May 15 as currently scheduled, that the date for Verizon to respond to comments be moved to an appropriate date following the hearing. Verizon’s Motion at 1-2.

II. ANALYSIS AND FINDINGS

Pursuant to 220 CMR 1.02(5), the Department has the discretion to extend procedural time limits for “good cause.” Here, Verizon argues that “a large number of participants have filed comments on Verizon MA’s petition in this matter and have sought leave to intervene... [and that] the majority of those comments were not served on Verizon MA, and Verizon MA did not receive them until May 5.” Verizon’s Motion at 1. Verizon further asserts that the short extension of time to reply is necessary to allow Verizon adequate time to respond fully to those comments. *Id.*

The Department has considered the arguments and interests of Verizon and the interests of the commenting parties. Balancing those interests with the Department’s desire to maintain the established schedule, the Department finds that Verizon has not established “good cause” to extend the time period to reply to initial comments. Furthermore, the Department finds that Verizon knew or should have known that initial comments filed by interested parties were due on May 1. *See Public Notice*, D.T.C. 08-12 at 3. Since May 1, these comments were accessible to

² The *Public Notice* further directed interested parties to file petitions for leave to intervene or to participate with the Department by May 1, 2009. *Id.* at 4.

Verizon at the office of the Department during official business hours. Thus, Verizon has not shown “good cause” to extend the time period.

III. RULING

The Motion of Verizon MA to Extend Time to File Reply Comments is hereby denied. However, the Department recognizes that Verizon and interested parties will have the opportunity to submit verbal testimony to the Department during the public hearing on May 15.

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this Ruling to the Commission by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.

/s/ Kerri J. DeYoung
Kerri J. DeYoung
Hearing Officer